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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

17 Cr. 398 (ER)

5 PAUL DEAN,

6
7 Defendant.

8 Sentence

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9 New York, N.Y.
10 January 31, 2019
2:30 p.m.

11 Before:

12 HON. EDGARDO RAMOS,

13 District Judge

14 APPEARANCES

15 GEOFFREY S. BERMAN

16 United States Attorney for the
Southern District of New York

17 BY: KIMBERLY J. RAVENER

Assistant United States Attorney

18 ABRAHAM GEORGE

19 Attorney for Defendant

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(Case called)

MS. RAVENER: Good afternoon, your Honor. Kimberly Ravener, for the government.

THE COURT: Good afternoon.

MR. GEORGE: Good afternoon, your Honor. Abe George, for Paul Dean.

THE COURT: And good afternoon to you.

This matter is on for sentencing. In preparation for today's proceedings, I have reviewed the following.

I've reviewed the presentence report, last revised on November 5, 2018, prepared by U.S. Probation Officer Christopher Paragano, which includes a recommendation. I've also reviewed the sentencing letter submitted by Mr. George, dated January 23, 2019, which includes a statement written by Mr. Dean as well as various of his family members. I've reviewed the government's submission, dated January 28, 2019. And finally, I've reviewed a letter delivered by hand yesterday by Mr. John Chambers, who was separately charged in a related investigation. That letter is dated January 25, 2019, and I've provided that letter to the parties.

Is there anything else that I should have received or reviewed?

Ms. Ravener.

MS. RAVENER: No, your Honor.

THE COURT: Mr. George.

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1 MR. GEORGE: No, your Honor.

2 THE COURT: Mr. George, have you read the presentence
3 report and discussed it with your client?

4 MR. GEORGE: Yes, your Honor.

5 THE COURT: Mr. Dean, have you read the presentence
6 report and discussed it with your attorney?

7 THE DEFENDANT: Yes.

8 THE COURT: Are there any objections to the report
9 regarding its factual accuracy?

10 MR. GEORGE: No, your Honor.

11 THE COURT: Ms. Ravener.

12 MS. RAVENER: No, your Honor.

13 THE COURT: Very well.

14 Although I am not required to impose a sentence within
15 the sentencing guidelines, I am required to consider that range
16 in imposing sentence, and in order to do so, I need to make a
17 calculation.

18 Mr. Dean pleaded guilty to Count Two of the
19 indictment, which charges him with conspiracy to violate 18
20 U.S.C. Section 666. The base offense level for that offense is
21 a 14, because he was a public official at the time of the
22 commission of the offense. Four levels are added, pursuant to
23 Section 2C1.1(b)(3), because he was a high-level decision-maker
24 in a public position during the commission of the offense.
25 Finally, three levels are deducted for Mr. Dean's acceptance of

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1 responsibility, yielding a total offense level of 15. Because
2 he has no prior convictions, Mr. Dean is in criminal history
3 category I.

4 Are there any objections to that calculation?

5 Ms. Ravener.

6 MS. RAVENER: No, your Honor.

7 THE COURT: Mr. George.

8 MR. GEORGE: No, your Honor.

9 THE COURT: Very well.

10 Based on the parties' representations that they agree
11 with the guideline calculation as I've indicated and as also
12 represented in the presentence report as accurate, I accept the
13 guideline calculation in the presentence report and find that
14 the criminal history category is I and the total offense level
15 is 15, yielding a guidelines range of 18 to 24 months.

16 Ms. Ravener, does the government wish to be heard
17 prior to the imposition of sentence?

18 MS. RAVENER: Briefly, your Honor.

19 As set forth in our submission, which details much of
20 the relevant conduct and facts, Mr. Dean was not only supposed
21 to be a member of the New York City Police Department, in and
22 of itself trusted and valuable in our society, that carries
23 very special duties to the people of the state of New York, but
24 he was also supposed to be a leader. He was supposed to be a
25 model, and as the executive officer of the license division,

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1 the second in command of that division, he not only watched a
2 tidal wave of corruption take over in the license division, he
3 joined it. He participated in it, and he doubled down when he
4 retired, because his greed during that time had only grown, and
5 it's for those reasons that Mr. Dean is before the Court today.

6 He planned and conspired to pay bribes himself to the
7 very New York City police officers who had been under his
8 command. He plotted to take a cut from the gun license
9 expeditors that were already engaged in bribery at the license
10 division, and he perpetuated the corruption that was occurring
11 there.

12 For those reasons, we submit that a sentence
13 consistent with the guidelines range is appropriate for
14 Mr. Dean.

15 THE COURT: Can I ask you, Ms. Ravener, how big is the
16 licensing division?

17 MS. RAVENER: I believe there were approximately 40
18 New York City Police Department officers working in the license
19 division when Mr. Dean was there, and that they accept about
20 5,000 applicants per year for review.

21 THE COURT: Applicants for gun permits?

22 MS. RAVENER: Correct. That's the volume of business
23 being done in the license division on average.

24 THE COURT: And I take it that the government did not
25 conclude as a result of its investigation that all 40-plus

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1 members of the licensing division were involved in corrupt
2 activity.

3 MS. RAVENER: Correct, your Honor. We did not.

4 THE COURT: Thank you.

5 Mr. George, did you wish to be heard before the
6 imposition of sentence?

7 MR. GEORGE: Yes, your Honor.

8 May I move over to the lectern?

9 THE COURT: Absolutely.

10 MR. GEORGE: Good afternoon.

11 I think the one thing that Mr. Dean can agree with --
12 with the government and the probation report -- is that if the
13 judge were to pursue a sentencing guideline recommendation, as
14 the government said, and the probation department, the very
15 ceiling should be the minimum of 18 months. And as the
16 government has asked for in their sentencing recommendation,
17 the most that the Court should fine him is \$1,000. But I
18 submit there are numerous reasons that this Court should not be
19 held to this and that it should depart from the sentencing
20 guidelines.

21 I think the main discrepancy that appears to be the
22 point of contention is what Mr. Dean's role was in this
23 conspiracy and in this corruption and exactly what his conduct
24 was.

25 When we pled guilty before the Court in April of 2017,

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1 Mr. Dean, as the Court will remember, said he agreed to the
2 fact that near the end of his career with the NYPD, between
3 November 2015 and January of 2016, I agreed with other members
4 to bribe Ochetal and Villanueva, whom I knew were being bribed
5 already, when I retired from the police department to be an
6 expeditor.

7 That fact is important, because the government's
8 portrayal of Mr. Dean as the high-ranking member of the
9 licensing division seems to imply that it was because of him
10 that the corruption was occurring within the license division,
11 but the corruption would predate Paul's role as lieutenant.

12 If the Court looks at the indictment himself, Paul
13 Dean only achieved the role of the second in command in 2014.
14 That's when he became a lieutenant. But if you look at the
15 indictments of Villaneuva and others, the corruption was
16 occurring well before Paul Dean took the slot as No. 2.

17 Who had that slot of No. 2 before Paul Dean?

18 It was Mike Endall, Mike Endall, who later become the
19 commanding officer at the licensing division when Paul Dean
20 took the No. 2 slot. So clearly, Officer Villaneuva, who pled
21 guilty and was a cooperator for the government, was engaging in
22 corrupt acts with someone other than Paul Dean before Paul Dean
23 took that title, took that role. And one thing that the Court
24 did not know when we took the plea was the efforts that Paul
25 had made to try to stop the corruption, and the very fact

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1 itself that even though he agreed to conspiracy to bribe
2 officers while he was retired, in an expediting capacity, that
3 this never got off the ground. Judge, he didn't bribe one
4 member of the police department the.

5 Why? Because when he retired, he couldn't bring
6 himself to pay another officer money for a gun license.

7 As Paul was continuing in his retired career as an
8 expeditor, he had heard people were continuing to pay cash for
9 gun licenses.

10 So what did Paul do?

11 Paul went to Mike Endall, the commanding officer of
12 the license division, and told him, Look, I don't know if you
13 know this, I know you're OK with gifts and services -- and
14 that's a distinction I'll get to in a few minutes -- but people
15 are selling gun licenses for cash, and people in your division
16 are getting it.

17 How do we know this, Judge?

18 Well, we received from a reporter a specification that
19 Mike Endall, when he retired, pled guilty, and that's Exhibit
20 D -- and I think that's a very significant exhibit that the
21 Court should look at -- that when Mike Endall retired, one of
22 charges he pled guilty to was failing to conduct an
23 investigation or failing to report corruption when a member of
24 the service told him about what was going on. And Judge, I
25 submit that that document really should have been turned over

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1 at some point before Mr. Dean's plea. We're not saying that we
2 want his plea back or anything. He accepted the circumstances
3 and pleaded guilty before your Honor, knowing all the
4 circumstances, but that's a significant document.

5 Why? Because it goes directly to his conduct. Paul
6 never got this conspiracy off the ground, and Paul made
7 attempts to try to stop it, even when he was a retired police
8 officer, Judge.

9 One factor that the Court needs to look at as well is
10 what other related defendants received in their sentencing;
11 what happened with the other folks here?

12 Well, John Chambers, one of the lawyers that's
13 referenced in Paul's indictment and an attorney that wrote a
14 letter to this Court, that I'll get into in a few minutes, did
15 not cooperate with the government, went to trial, and at
16 sentencing the government asked for a guideline of 41 to 51
17 months. Justice Pauley sentenced him to a year and a day.

18 In the case of Inspector Chief Michael Harrington, who
19 pled guilty to misusing police resources, instead of the
20 maximum six months' incarceration, he was allowed to plead and
21 received a sentence of two years' probation.

22 In the case of Shaya Lichtenstein, who was the
23 centerpiece behind all the corruption in Mr. Dean's case, the
24 government wanted a range of four to six years of
25 incarceration, but the court downwardly departed and sentenced

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1 him to 32 months.

2 In the case of Inspector Grant and civilian Jeremy
3 Reichberg, and Jeremy Reichberg, as the Court may know, was
4 someone that was accused of bribing police officers, the jury
5 acquitted James Grant of receiving bribes.

6 Judge, one of the things that you need to take into
7 consideration is the fact if this Court was to give Mr. Dean
8 jail, his status as a police officer makes him a vulnerable
9 victim. His picture's been plastered all throughout the
10 newspapers, media, television. People know who Mr. Dean is.
11 Sentencing him to jail would put him in a vulnerable position
12 that other inmates wouldn't necessarily be exposed to.

13 Looking at Paul as an individual, as a human being,
14 Paul had been at the NYPD for over 22 years before he retired.
15 He was a decorated officer. He had over 160 arrests. He took
16 the job when he was 21 years old, because he saw his parents,
17 who were two social workers, dedicated to city service, and
18 that's what he wanted to do. He moved around and he was
19 promoted to sergeant, lieutenant.

20 A week before 9/11, Paul had his second child, and
21 Paul had scheduled vacation to stay with his second child. But
22 when Paul heard that the buildings collapsed, Paul was a first
23 responder. Paul saw friends of his pass away. And as your
24 Honor could read from the probation report, this is something
25 that he's not comfortable talking about, and had difficulties

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1 mentally from that experience. But Paul Dean, up until this
2 point, was a dedicated public servant that put his life and put
3 the NYPD's life, the mission of the NYPD, first.

4 Now, Judge, I submit all of those reasons and the fact
5 that he's got three children, one of which is five years old
6 and he's the primary caretaker, all of those reasons in and of
7 itself warrant a downward departure from the sentencing
8 guidelines, and I suggest a nonjail sentence. But that's not
9 including the fact that Paul did the one thing that New York
10 City police officers are constantly put with this label of not
11 breaking the blue wall of silence.

12 When Mr. Dean was arrested, he was cooperative. He
13 came in to the government three times, and one of the reasons
14 that we alleged and gave to the Court most of his information
15 that we relayed over was the fact that during the course of
16 while we were out pending sentence, we learned that 305s were
17 turned over that detailed the fact that Paul went in to
18 cooperate. Paul heard that indirectly: Hey, you went in to
19 the government to talk? You said this and that?

20 And that was without the benefit of a 5K letter.

21 Judge, one of the reasons we put this information out
22 there was for the Court to see how forthright Mr. Dean was.
23 What Mr. Dean described was a culture of corruption that
24 pervaded the license division, and what the Court should note
25 is that you don't get to be commanding officer of the licensing

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1 division because of your merits. It's about the people you
2 know.

3 Mike Endall was placed as the commanding officer of
4 the licensing division because he would protect the delicate
5 balance of doing favors for certain members of the public as
6 opposed to the general public that had concrete rules on how to
7 get licenses.

8 How do we know this?

9 This goes back to the fact that Villaneuva, Sgt.
10 Villanueva, and Richard Ochetal were processing and engaged in
11 corrupt practices before Paul Dean took his role as No. 2 of
12 the licensing division.

13 Who had that role before Paul Dean? Mike Endall.

14 Mike Endall had graduated to head of that department,
15 his boss. He knew that Mike Endall was in the regular practice
16 of giving out licenses to people that were favored, people that
17 knew other folks, and he was told specifically by Mike Endall:
18 Anything Villaneuva gives you, approve.

19 Why am I bringing that up, Judge?

20 I'm trying to explain why Mr. Dean got into this
21 pattern and how he fell into the corruption, because your
22 supervisor is placed there and blatantly knows of activities
23 that are happening in terms of favors; Paul Dean was left with
24 limited choices. He saw that inspectors and other higher-ups
25 also knew what was happening, but no one was doing anything to

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1 stop it.

2 A letter was submitted to the Court a few days ago, or
3 yesterday, by an attorney, John Chambers, who was convicted, as
4 I discussed before, and he pointed out what he thought was a
5 fallacy in some of the information that Mr. Dean provided. But
6 I submit, after talking to Mr. Dean, Mr. Chambers knew that
7 although it wasn't -- that the person he referenced, the actor,
8 did have a felony conviction, whether or not it was sealed or
9 not was still a factor that would negate this particular actor
10 from getting a gun license.

11 Whatever Mr. Dean said in his cooperation was true.
12 There isn't any allegation that Mr. Dean wasn't forthright, and
13 what I submit, if you look at all the allegations and all these
14 statements that Mr. Dean had made in his cooperation agreement,
15 he certainly points to one thing: that Mike Endall was involved
16 in corrupt practices. He certainly had enough information that
17 he relayed over that should have been able to build a case
18 against Mike Endall, but Mr. Dean was the last person arrested
19 in the alleged corruption scheme.

20 Judge, for the rest of Mr. Dean's life, he'll have to
21 wear the scarlet letter of being a corrupt cop and being a
22 snitch. I implore this Court to temper justice with mercy and
23 allow Mr. Dean a nonjail sentence.

24 I'm open to any questions that the Court might have.

25 THE COURT: I do have a couple questions, Mr. George.

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1 In your letter and again in your presentation this
2 afternoon, you frame Mr. Dean's involvement in this conspiracy
3 almost exclusively in terms of Count Two to which he pled.
4 However, as you are aware, the presentence report discusses any
5 number of instances where Mr. Dean, while he was in the
6 licensing division, himself accepted gratuities, cash, etc.

7 Shouldn't I take all of that into account as well?

8 MR. GEORGE: Judge, there, and this was the delicate
9 balance that we were trying to strike. Certainly Mr. Dean and
10 in his proffer agreements did state that there were certain
11 gratuities that he did accept, but what's in dispute is whether
12 or not he did those things to facilitate someone that has --
13 that didn't deserve a gun license. There were many licensees,
14 as the culture of corruption that was occurring within the
15 division, that when they got licenses, on their own, they would
16 give over gratuities, invite them over for meals, invite them
17 for services and things of that nature, so it wouldn't be fair
18 for Mr. Dean to say some of that is not true.

19 And in fact, in my memo to the Court, we readily
20 admitted that the only cash that Mr. Dean is alleged in the
21 government indictment and even in the PSR was \$1,000, which he
22 received directly from Villaneuva and not from one of the
23 expeditors in this case. So, I think we had a difficult
24 balance in disputing some of the aspects of the presentencing
25 report.

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1 THE COURT: Ms. Ravener, I have a question for you.

2 Mr. George spoke about some of the individuals and
3 related prosecutions and the sentences that they received.

4 What, in the government's estimation, is Mr. Dean's
5 relative culpability vis-à-vis those individuals?

6 MS. RAVENER: Your Honor, that's a question that
7 varies, and so if you give me a moment to walk through each of
8 those cases somewhat.

9 THE COURT: Sure.

10 MS. RAVENER: With respect to Mr. Chambers and
11 Mr. Lichtenstein, those are both individuals who were in the
12 class of expeditors, who were paying bribes to officers of the
13 New York City Police Department at the license division. Both
14 received incarceratory sentences, and if you're looking at it
15 in terms of the volume of bribes paid or the quantity of bribes
16 paid, then those individuals paid a greater sum of bribes, that
17 they acted on their scheme, than Mr. Dean did in terms of his
18 postretirement conspiracy.

19 However, those people didn't owe the duty that Paul
20 Dean owed as a member himself of the NYPD, as a high-ranking
21 official in a sensitive position, entrusted to evaluate the
22 very question of whether a gun license should be issued. In
23 fact, in Mr. Dean's role, he was overseeing the approval of
24 many of the licenses sought as part of those expeditors'
25 efforts.

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1 THE COURT: Have other members of the service been
2 sentenced?

3 MS. RAVENER: Your Honor, not yet in connection with
4 this scheme, and that is because Mr. Villaneuva and Mr. Ochetal
5 were both charged in connection with this same scheme, and they
6 have pleaded pursuant to cooperation agreements. They are
7 pending sentencing.

8 THE COURT: OK.

9 MS. RAVENER: But out of the people who have been
10 charged, Mr. Dean is the highest ranking member of the license
11 division. He had an oversight role for Villaneuva and
12 Ochetal's conduct.

13 I think that it's a multifactorial analysis before the
14 Court in terms of culpability, and so it's his role that sets
15 him apart. It's his rank and position that set him apart from
16 both the people who were lower ranking officers who were
17 accepting bribes, like Villaneuva and Ochetal, and the
18 expeditors like Lichtenstein and Chambers.

19 THE COURT: Thank you.

20 Mr. Dean, you have an absolute right to address the
21 Court before I impose sentence. Is there anything that you
22 wanted me to know?

23 THE DEFENDANT: Yes, your Honor.

24 May I go to the lectern?

25 THE COURT: Absolutely.

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1 THE DEFENDANT: As I stand before you and my family, I
2 want everyone to know that I take full responsibility for my
3 actions. Only I alone can be held accountable for them. I
4 betrayed the trust given to me as a police officer, and it has
5 burdened myself and my family. Being a corrupt cop is a label
6 I will wear for the rest of my life.

7 For 22 years of my life, I identified myself as a
8 police officer, who made this one true dream job, and I had the
9 privilege of being part of the greatest police department in
10 the world. It is why, first and foremost, before I say
11 anything further, I would like to apologize to the men and
12 women of the New York City Police Department and the people of
13 the city of New York. It comes down to I was a police officer
14 and should have known better. My actions and the publicity
15 surrounding them have done nothing but tarnish the hard work
16 that these men and women do every day. My actions are not
17 indicative of what the true rank and file of the NYPD is, and
18 to them I'm deeply, heartfeltly sorry.

19 To my friends and family, especially my children, I'm
20 truly sorry for all the pain and suffering I've caused you.
21 Nothing I could do or say can repair what I put you all
22 through.

23 Your Honor, for the past 22 months, I've been, for
24 lack of a better word, living a nightmare. My life has been
25 destroyed because of my actions. It's why I immediately took

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1 responsibility for them, cooperated with this investigation,
2 and pled guilty before you.

3 Though it does not excuse my behavior, and in no way
4 am I trying to deflect or marginalize what I've done, in my own
5 words, I want to explain why I did this.

6 After graduating from the academy, I was assigned to
7 the 13th Precinct in Manhattan, and after a few years, I
8 studied and became a sergeant and went to the 102nd Precinct in
9 Queens. I eventually worked in the detective's squad. The
10 hours were long and the work was grueling, but I enjoyed every
11 moment of it. Being a street cop and working in the detective
12 bureau were the best days of my career.

13 I was promoted to lieutenant, assigned to the 104th
14 Precinct. My hard work as a sergeant stood out, and the
15 captain who I worked for in the 102nd Precinct asked me to come
16 work for him in the license division. Little did I know that
17 would be the biggest mistake of my life.

18 About a year after I was in the license division, I
19 started to notice that there were two paths for people applying
20 for licenses: one for the average person, where all the rules
21 applied; and another for those who were connected, where rules
22 and criteria didn't.

23 This is when I started to realize people connected to
24 the higher-ups in the department were being funneled directly
25 to the second in command, Michael Endall. First I thought this

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1 was strange, but then I realized captains, inspectors, chiefs,
2 and even the police commissioner, knew what Endall was doing.
3 So, who was I to say what he was doing was wrong?

4 During this period, gifts, meals and other gratuities
5 were commonplace. What I saw, people were grateful for getting
6 their licenses, and gifts were dropped off. These same people
7 would openly boast about their connections to the higher-ups
8 and how they had given them gifts.

9 In August 2014, Endall took over and it was a
10 free-for-all, and it became very difficult to be a manager. He
11 was a very lax supervisor, meaning Endall, and the rules were
12 thrown out the window. I began to see a change in how things
13 were done. I was instructed by Mike Endall to approve all
14 license applications given to me by Villaneuva. Eventually
15 things began to spin out of control, and for certain people
16 gifts turned into cash.

17 That's when I thought I should retire and wanted to go
18 into the expediting business myself, and out of greed, I went
19 into a deal to give gifts or cash to those who were expediting
20 licenses, but shortly thereafter, agreeing to do this, I
21 realized I couldn't bring myself to bribe cops who never went
22 through with this plan.

23 After I retired and I went into the expediting
24 business, people began freely telling me about how licenses
25 were being blatantly sold by Dave Villaneuva. I knew Endall

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1 had no problem with gifts. It was cash that he always told me
2 was a problem. I did my best effort to tell Endall and
3 honestly did not know what else to do. The first time he told
4 me -- I told him, he told me he put things in place to make
5 sure it never happens again. I didn't know if he knew that it
6 was still going on afterwards. I did what I thought was right,
7 and I wanted to stop them but didn't want to be a witness
8 against them, and in the end, maybe I should have done more.

9 As you know, your Honor, on three separate occasions,
10 I spoke with the government to divulge the corruption within
11 the NYPD. Each time I was never given assurances of a
12 cooperation agreement, but I wanted them to know exactly what
13 was going on. And each time before I began telling the U.S.
14 Attorney and FBI what I knew, I was instructed that if I lied
15 at any point I could be charged with making a false statement.
16 I've been labeled a lot of things the past 22 months, but one
17 thing I'm not is a liar. I've given the government credible,
18 firsthand, intimate knowledge of criminal conduct within the
19 NYPD.

20 Though I've been on the receiving end of a large
21 amount of animus from the representatives and the individuals
22 who were involved in these corrupt deeds and have received
23 numerous anonymous threats, I now live with constant fear of
24 being harmed for speaking out. I want people to know that
25 this -- I want people to know that it is better to cooperate

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1 with the government than to go against them. Use me as an
2 example, that even if high-profile people are against you, it's
3 best to tell the truth.

4 Your Honor, as you know, I have three children who
5 rely on me daily to provide for them, especially my son, who
6 lives with me full time. In the past three years, I've been a
7 stay-at-home father, and for me, that's the most important job
8 in the world. I'm a loving, caring father who has never
9 stepped away from them, stepped up and never shirked his
10 responsibilities. All three of them have missed out so much in
11 life because of the sacrifices I made to the NYPD, especially
12 my daughters, who are old enough to remember seeing my devotion
13 to my career and the negative effects that this case has
14 brought upon them.

15 There have been many tears over the years, in past 22
16 months in particular. But each time, I've always tried to keep
17 our fractured little family together. It's why if I am
18 incarcerated it will destroy what little I have left with my
19 daughters and have a significant, devastating effect on my
20 five-year-old son.

21 This whole process has paralyzed our lives. It's as
22 though we were all in prison together. My daughters need me to
23 be there for them and guide them through adulthood, especially
24 my 17-year-old daughter, who had made plans to come to New York
25 to attend college. Now we don't know if that could happen.

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1 As I dropped my son off to school this morning, I knew
2 today would impact his life forever, and not in a good way.
3 Your Honor, the two of us are not just father and son but best
4 friends. In an age where men cast away -- aside their
5 responsibilities to their children, I am one who embraces it.

6 I will not extol to you the countless sacrifices I've
7 made for the NYPD and the people of New York City. That's not
8 who I am. I will say this, though. I've placed my life in
9 danger numerous times, without regard for my own personal
10 safety, and in doing so, I've suffered both physically and
11 mentally. I have left parts of myself on the streets of New
12 York City. One true lesson I have learned in my career is that
13 people are not infallible and to be empathetic towards others.

14 Your Honor, I hope in sentencing me you take into
15 account several things: my immediate acceptance of
16 responsibility for my actions and pleaded guilty; my respect
17 for the law in cooperating with the U.S. Attorney's Office and
18 FBI; and most importantly, my devotion and sacrifices that I
19 made during my career; and most importantly; and ultimately, my
20 responsibilities I have in raising my daughters, especially my
21 son.

22 That is why, with great embarrassment and shame, I beg
23 of you for leniency in my sentence.

24 Thank you.

25 THE COURT: Thank you, Mr. Dean.

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1 In deciding what sentence to impose, in addition to
2 the sentencing guidelines, I have considered all of the factors
3 set forth in Section 3553(a) of Title 18 of the United States
4 Code, including, as most relevant to Mr. Dean's case, the
5 nature and circumstances of the offense and his history and
6 characteristics.

7 I've considered the need for the sentence imposed to
8 reflect the seriousness of the offense; to promote respect for
9 the law; to provide a just punishment for the offense; to
10 afford adequate deterrence to criminal conduct; to protect the
11 public; and to provide Mr. Dean with needed educational and
12 vocational training or medical care, as necessary, in the most
13 effective manner.

14 I've considered the need to avoid unwarranted sentence
15 disparities among similarly situated defendants and to provide
16 restitution to any victims of the offense.

17 Having considered all of these factors, it is my
18 intention to impose a sentence of 18 months to be followed by
19 two years of supervised release, a \$100 special assessment and
20 a fine of \$7,500.

21 I believe that this sentence is sufficient, but not
22 greater than necessary, to comply with the purposes of
23 sentencing for the following reasons:

24 This is a very serious offense, involving public
25 servants who were entrusted with keeping all of us safe by

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1 ensuring that guns didn't get into the hands of the wrong
2 people. Instead, Mr. Dean and his coconspirators turned the
3 police department's licensing division into their personal
4 criminal enterprise.

5 I just learned this afternoon how large the licensing
6 division was, and it was my working assumption that it was
7 comprised of individuals -- many individuals -- who, unlike the
8 coconspirators, did their jobs well and with integrity. Based
9 on the information before me, the corruption was sufficiently
10 pervasive that it allowed a small industry of so-called
11 expeditors to thrive, and it is certainly the case, as
12 Mr. Dean's plea conclusively established, that the corruption
13 went to the highest levels of the division.

14 The very fact of an expeditor industry and that it was
15 known to the police department should, to my mind, have been a
16 huge red flag. Aside from helping an applicant fill out the
17 necessary paperwork and perhaps counsel them through the
18 interview process, I can think of no value that such a person
19 can legitimately otherwise provide. It certainly should not
20 have been the case that anyone should have been able to
21 expedite an application; that is to say, get someone's
22 application to the head of a line that I understand to be quite
23 lengthy.

24 To be sure, in the scheme of things, the gratuities
25 that were received by the members of the division were not

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1 outrageously extravagant: free dinners at restaurants; free
2 cases of beer; car repairs; trips to strip clubs. So far as I
3 know, no one got rich, but that is not to say that there was no
4 harm done. The investigation revealed that in exchange for
5 gratuities, the officers approved gun permits for individuals
6 who should never have received them, individuals with
7 substantial criminal histories, including individuals with
8 convictions for weapons or violence and individuals with
9 histories of domestic abuse.

10 In the way that Mr. Dean described, and his attorney
11 described, his involvement, to my mind, suggests that Mr. Dean
12 has not completely accepted responsibility. He described it as
13 though he entered a situation where he was powerless to do
14 anything about the corruption that he saw with his own two eyes
15 taking place every day. Mr. Dean was a lieutenant in that
16 division and had a responsibility -- a duty -- to report that
17 information as soon as he saw it. And it was not just that
18 they were doing favors for VIPs or for celebrities; they were
19 doing these things in exchange for, and actively soliciting,
20 these gratuities.

21 There is as well another type of harm that is
22 important, to my mind, involving the corrosive effect of this
23 type of corruption on the public's trust in the police
24 department. We require a high level of integrity of our police
25 officers, and we do so for a reason.

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1 It is because we give them an awesome amount of
2 responsibility. Police officers can, on what they determine to
3 be good cause, deprive any one of us of our freedom. Because
4 we live under the rule of law, they do so with impunity until a
5 neutral magistrate determines whether the arrest was justified.
6 If our system is to work and our society kept safe, the public
7 has got to have faith that police officers are doing their jobs
8 fairly and with integrity. Please understand that I do
9 consider this to be a very serious offense, and because general
10 deterrence is an important consideration here, it is an offense
11 that deserves a term of imprisonment.

12 But I have to consider the other side of the ledger as
13 well: Mr. Dean's history and characteristics.

14 In that regard, please be assured that I read
15 Mr. George's submission very carefully as well as the letters
16 that were submitted by Mr. Dean and his family. I do not doubt
17 for one minute the sincerity of the information that they
18 provided or their feelings for Mr. Dean. It is clear to me
19 that he is an individual that is very capable of inspiring the
20 admiration and the affection of those who come in contact with
21 him.

22 It is also clear to me that in many ways Mr. Dean was
23 a very good cop, who earned commendations for his service and
24 steadily climbed his way up through the ranks because of his
25 good work. He spent many days at the World Trade Center site

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1 and otherwise devoted his work life to the department. Indeed,
2 as is suggested by the letters that I received, it is his
3 dedication to the police department that led in some fashion to
4 the breakup of his first marriage.

5 By all accounts, he is a wonderful father and a
6 dedicated father, a family member and friend. He built a good
7 life for himself and for others. He clearly is not beyond
8 redemption. Specific deterrence does not require a lengthy
9 prison sentence in this case, because I am convinced that he
10 poses no threat to offend again.

11 I believe that Mr. Dean is sincere about his
12 contrition and give him credit for promptly accepting
13 responsibility and providing the government with additional
14 information. All of the foregoing is why, consistent with the
15 probation department's recommendation, while I believe that a
16 sentence of incarceration is necessary, I believe that a
17 sentence at the bottom of the guidelines range is sufficient,
18 but not greater than necessary, to serve the purposes of
19 sentencing.

20 Does counsel know of any legal reason, other than what
21 has already been stated, why the sentence should not be imposed
22 as I have indicated?

23 Ms. Ravener.

24 MS. RAVENER: No, your Honor.

25 THE COURT: Mr. George.

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1 MR. GEORGE: No, your Honor.

2 THE COURT: In that event, it is the judgment of the
3 Court that Mr. Dean be sentenced to 18 months on the one count
4 of conviction to be followed by two years of supervised
5 release.

6 The standard conditions of supervised release shall
7 apply as well as the following mandatory conditions:

8 You must not commit another federal, state or local
9 crime;

10 You must not unlawfully possess a controlled
11 substance; and

12 You must refrain from the unlawful use of a controlled
13 substance and submit to a drug test within 15 days of release
14 from imprisonment and at least two periodic drug tests
15 thereafter, as determined by the probation department.

16 The special conditions are that you must provide the
17 probation officer with access to any requested financial
18 information;

19 You must not incur new credit charges or open
20 additional lines of credit without the approval of the
21 probation officer unless you are in compliance with the
22 installment payment schedule; and

23 It is recommended that you be supervised by the
24 district of your residence in the event that you do not live in
25 the Southern District of New York upon your release.

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1 You are ordered to pay the mandatory special
2 assessment of \$100, which shall be due immediately, and a fine
3 of \$7,500, which shall be paid in an amount of no less than 10
4 percent of your gross monthly income.

5 No restitution is required in this case.

6 Is the government seeking forfeiture?

7 MS. RAVENER: Your Honor, the government proposed a
8 \$1,000 amount of forfeiture to correlate to the cash payment
9 that Mr. Dean concedes he accepted.

10 THE COURT: I will impose forfeiture in the amount of
11 \$1,000.

12 Are there any open counts, Ms. Ravener?

13 MS. RAVENER: Yes, your Honor, and at this time the
14 government would move to dismiss the open counts.

15 THE COURT: That application is granted.

16 Mr. Dean, I believe that you, in your plea agreement
17 with the government, indicated that if you were sentenced to a
18 term of imprisonment within the stipulated range, which was 18
19 to 24 months, you were essentially giving up your right to
20 appeal, all of which is to say that because I sentenced you
21 within that range, your appellate rights are severely
22 constricted.

23 But Mr. George, will you assure me that you will
24 promptly and thoroughly discuss with Mr. Dean the effect of the
25 plea agreement on his appellate rights?

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1 MR. GEORGE: Yes, your Honor.

2 THE COURT: Mr. George, do you have any other
3 applications?

4 MR. GEORGE: Your Honor, I'd like to request that the
5 Court allow my client some time to wrap up his affairs and
6 surrender himself at a later date.

7 THE COURT: Absolutely. How much time do you want?

8 MR. GEORGE: Is it possible for two months, Judge?

9 THE COURT: Ms. Ravener, any objection?

10 MS. RAVENER: No, your Honor.

11 THE COURT: Two months. Let's get a date certain,
12 Ms. Rivera.

13 THE DEPUTY CLERK: March 28.

14 THE COURT: Mr. George, if he is not designated prior
15 to that time, and if you wish to make an application so that he
16 can self-surrender directly to the institution, you can make
17 that application.

18 MR. GEORGE: Thank you, your Honor.

19 THE COURT: Anything else?

20 MS. RAVENER: Nothing further, your Honor.

21 THE COURT: Mr. George.

22 MR. GEORGE: No, your Honor.

23 THE COURT: In that event, we are adjourned.

24 Mr. Dean, good luck to you, sir.

25 (Adjourned)